Kleindienst Hearings Explode In Exchange of Bitter Words

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The Senate Judiciary Committee hearings on the nomination of Richard G. Kleindienst as Attorney General erupted yesterday into bitter name-ealling between senators and witnesses.

Sen. Birch Bayh (D-Ind.) told Edgar M. Gillenwaters, an aide to California Lt. Gov. Ed Reinecke, that he had "a gut feeling . . . that you've committed perjury."

Gillenwater and Reinecke were testifying about the circumstances under which they notified former Attorney Genral John N. Mitchell about plans for the Republican National Convention in San Diego and a pledge of at least $200,000 by the International Telephone and Telegraph Corp. to help bring it to the Southern California city.

They said it was merely "an honest mistake" when they told several reporters last month that they briefed Mitchell in May, 1971—rather than in September, as they later corrected themselves to say.

But Reinecke acknowledged that begore he changed his version of events, "Igot a call from somebody who said, 'Mr. Mitchell's records disagree. You'd better check yours again'."

The lieutenant governor insisted that he had no idea from whom the call came and said the message was merely passed on to him by his secretary.

Asked by Sen. Edward M. Kennedy (D-Mass.) whether that call had come from the Justice Department. as reported by several California newspapers, Reinecke said, "I don't honestly know."

"Your secretary is not in the habit of asking who's calling?" Kennedy demanded.

"No," Reinecke answered.

"Our staff is not the size of a senator's staff," Gillenwaters interjected.

That was the tenor of much of the interchange between the committee and its witnesses on the 20th and next to last day of the reopened hearings on the Kleindienst nomination.

Bayh, returning frequently to the "discrepancies" in the record of the hearings, told the two Californians that "your credibility's gone from 100 to damned near zero."

That remark led Gillenwaters to smile, which inflamed Bayh to make his suggestion of perjury.

"If my smile is offensive to you, I'm sorry," Gillenwaters said. "If our credibility's gone to zero in your eyes, senator, it must ave gone up considerably elsewhere."

Bayh finally cut the exchange short, telling gillenwaters that, "I'm not going to et into our league n any way."

Later in the afternoon, the lawyer for another key witness, Jack Gleason—a former White House aide who is now a consultant to ITT here—acknowledged that the had talked yesterday with John w. dean III, counsle to the President, "among others" from the White House.

The lawyer, Edward p. taptich, declined to reveal the contents of those discussions on the grounds that to do so might violte the lawyer-client privilege betweon him and Gleason.

When Sen. John V. Tunney (D-Calif.) pressed for an answer nonetheless, that provoked a half-hour dispute among the committee members—all lawyers—about the nature of the privilege.

Generally, the Democratic lawyers thought Taptich should answer, and the Republican lawyers thought he should not.

Sen. Roman Hruska (R-Neb.), who has frequently sought to limit the scope of the hearings, accused Tunney of being on "a fishing expedition."

With a chuckle, Tunney observed that, "I don't think there's anything wrong with fishing, if you can catch some fish."

Committee Chairman James O. Eastland (D-Miss.), who was out of the hearing room during the initial dispute, eventually returned and ruled that neither Gleason nor Taptieh would have to answer questions about the discussions with the White House.

Tunney also clashed with Reinecke about a telephone conversation they had on March 3, shortly before the lieutenant governor changed his version of when he discussed the GOP convention with Mitchell. During the call, Reinecke repeated his original account to Tunney.

Reinecke charged that the senator's phone call was "a set-up. He must have had someone else listening or a recording device" in operation.

The Republican state official suggested that Tunney had alerted newsmen in Sacramento to approach him a few minutes later about whether he would be testifying before the Judiciary Committee.

But Tunney denied those allegations. In an impassioned statement from the committee bench, he told Reinecke, "I called you, whether you believe it or not, on the basis of friendship."

The senator said he had not wanted Reinecke to learn first from the press about remarks he (Tunney) made in a hearing that day.

Even in the account which he gave the committee yesterday. Reinecke differed substantially wi thMitchell's testimony under oath last month.